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June 24, 1999

VIA HAND DELIVERY

Magalie R. Salas, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Notice of *Ex Parte* Presentation by e.spire Communications, Inc., Intermedia Communications Inc. and the Association for Local Telecommunications Services

***Implementation of the Local Competition Provisions in the Telecommunications Act of 1996* -- CC Docket No. 96-98**

Dear Ms. Salas:

Pursuant to Sections 1.1206(b)(1) and (2) of the Commission's Rules, e.spire Communications, Inc. ("e.spire"), Intermedia Communications Inc. ("Intermedia"), and the Association for Local Telecommunications Services ("ALTS"), by their attorneys, submit this notice in the above-captioned docketed proceeding of an oral *ex parte* presentation made and written *ex parte* materials distributed on June 23, 1999 during a meeting with Bob Atkinson, Jordan Goldstein, and Claudia Fox of the Common Carrier Bureau. The presentation was made by Charles Kallenbach of e.spire, Heather Gold of Intermedia, Jonathan Askin of ALTS and Jonathan Canis and John Heitmann of Kelley Drye & Warren LLP. Copies of the written materials distributed at the meeting are attached hereto.

During the presentation, e.spire, Intermedia and ALTS discussed positions set forth in their comments and reply comments in the UNE Remand phase of the above-captioned proceeding and focused on the need for data UNEs and UNE combinations, such as the extended link or "EEL".

DC01/HEITJ/85358.2

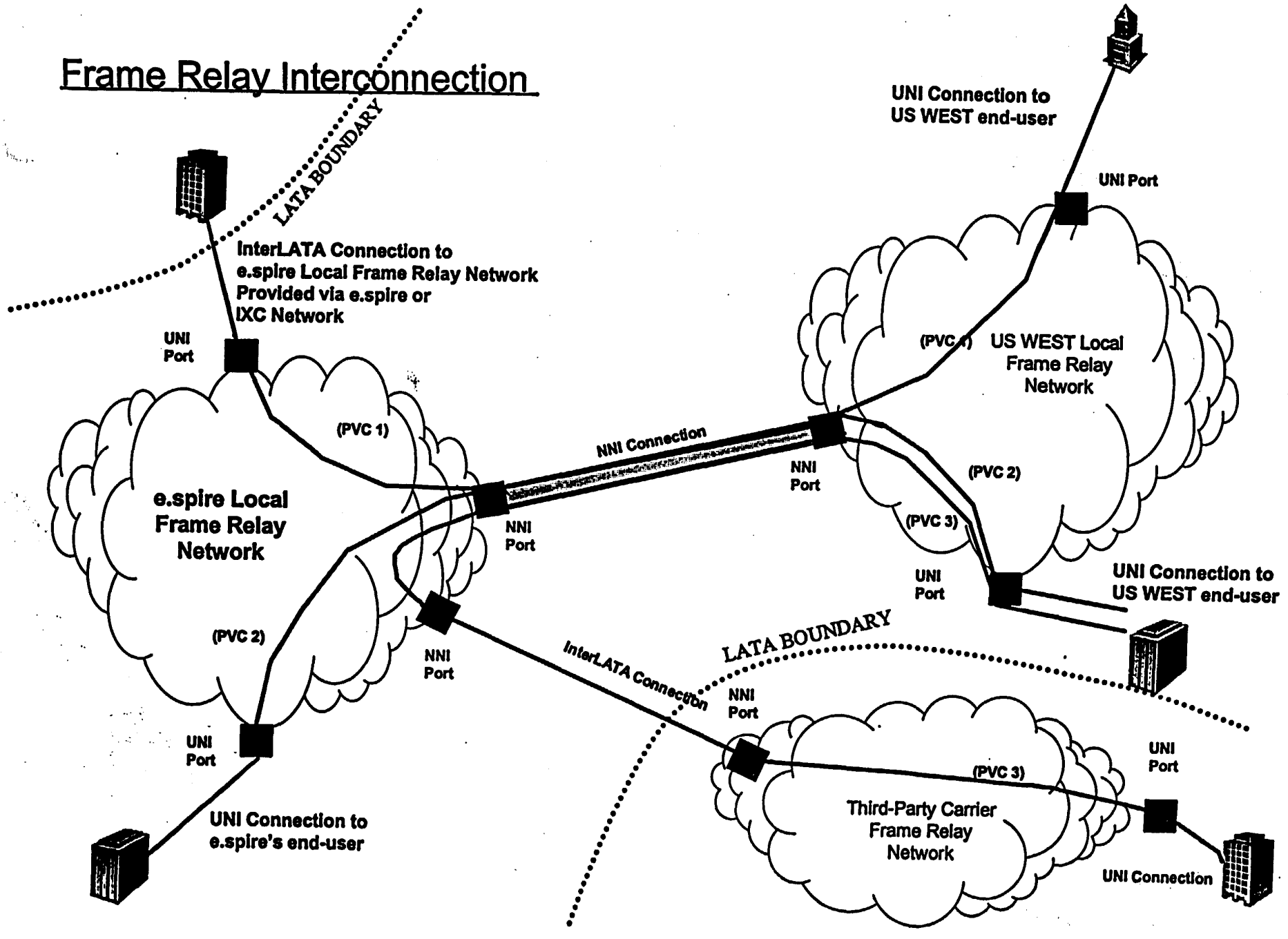
Pursuant to Sections 1.1206(b)(1) and (2), an original and two copies of this *ex parte* notification (with attachments) are provided for inclusion in the public record of the above-referenced proceeding. Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

John J. Heitmann

cc: Robert Atkinson
Jordan Goldstein
Claudia Fox

Frame Relay Interconnection



e.spire / Intermedia / ALTS

Ex Parte Presentation

Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 (UNE Remand)

CC Docket No. 96-98

Charles Kallenbach, *Vice President, Regulatory Affairs – e.spire*
Heather Burnett Gold, *Vice President, Regulatory and External Affairs – Intermedia*
Jonathan Askin, *Vice President - Law – ALTS*
Jonathan Canis, John Heitmann, *Kelley Drye & Warren LLP*

June 23, 1999

Data UNEs

- **Advanced services unbundling (including xDSL, ATM, IP and frame relay) meets the Section 251(d)(2) unbundling standard – the advantages of incumbency are not limited to POTS.**
  - "Congress made clear that the 1996 Act is technologically neutral and is designed to ensure competition in all telecommunications markets."
  - Because there currently are no data UNEs, interconnection of CLEC frame relay and other data networks with ILEC data networks only can be established through lengthy negotiations or contested arbitrations.
  - Interconnection agreements for the exchange of frame relay traffic are not available from all Tier 1 ILECs – some of the interconnection agreements that do exist are restricted to "local" data services. This lack of ubiquity and uniformity, along with restrictions on the types of data traffic that can be provisioned, greatly limit the utility of CLEC data networks.
- **Data networks do not follow the same hierarchical switching structure as ILEC circuit-switched networks. Instead, data customers are connected to a "cloud" of interconnected data switches and/or routers and transport links.**

Data UNEs *(continued)*

- **The unique UNE functions required by data carriers are necessary to provide connectivity between a data switch or router that serves an end user and a data switch or router that serves other carriers, or connectivity between data switches or routers that serve carriers.**
  - These functions typically are reflected by various elements in ILEC frame relay and ATM cell relay service tariffs – the terminology used varies dramatically from ILEC to ILEC.
  - These functions, regardless of terminology or technology, are essentially the same: what is critical is the establishment of a virtual circuit between ports on data switches or routers.
  - To translate these functions into UNEs, the Commission must order ILECs to: (1) unbundle ports on their data switches or routers; and (2) provide a virtual circuit at a series of pre-defined bit rates between the ports.
- **ILEC arguments that "too much unbundling" will provide a disincentive for carriers to deploy their own facilities-based advanced service networks simply does not reflect reality.**

UNE Combinations / EEL

- **The Supreme Court confirmed the Commission's authority to require cost-based access to ILEC UNE combinations.**
  - If an ILEC uses a combination of network elements anywhere in its network to provide service to any customer or carrier, the Commission should make clear that, pursuant to Rule 315(b), the ILEC must make available the same combination to requesting carriers for any service they intend to provide and for any customer they intend to serve.
- **ILECs use combinations of loops, multiplexing and transport (*i.e.*, extended links or EELs) to provision advanced services, such as xDSL, frame relay and ATM, to end users.**
  - To compete on a level playing field, CLECs must be able to use EELs in the same ways that ILECs use them.
- **CLECs must have *unrestricted access* to all combinations, including EELs, to provision frame relay, ATM, voice over frame or IP, and high capacity internet service and to compete effectively and broadly in the market for advanced services.**

UNE Combinations EEL *(continued)*

- ILEC or state commission-imposed restrictions based on the type or jurisdiction of traffic explicitly should be prohibited.

- **CLECs should be able to convert special access links to EEL arrangements at no charge. All CLECs must have reasonable and nondiscriminatory access to UNE combinations.**
  - Bell Atlantic is converting AT&T's special access circuits to EEL arrangements in New York. Bell Atlantic refuses to allow carriers to use Section 252(i) to "opt-in" to the dedicated transport/EEL provisions in AT&T's agreement.

- **Availability of EEL combinations would accelerate competitive deployment of traditional voice and advanced services by maximizing the number of customers that can be reached by CLEC voice and data switches and through each collocation arrangement.**
  - ILECs should be required to offer EELs including all loop and transport types.
  - The Commission also should find that UNEs need not be combined at the collocation point of the requesting carrier and that ILECs may not impose "glue charges" for combining UNEs.